

CONSTRUCTION¹

Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$327,257,000, to remain available until expended, of which \$125,619,000, is for conservation spending category activities; and of which \$15,000,000, to be transferred to the Federal Highway Administration, is for redevelopment of Pennsylvania Avenue adjacent to Lafayette Park.

Note. – A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.

Justification of Major Proposed Language Changes

1. Addition: “; and of which \$15,00,000, to be transferred to the Federal Highway Administration, is for redevelopment of Pennsylvania Avenue adjacent to Lafayette Park”

The addition proposes the necessary authority to provide funding to President's Park for security improvements in the Lafayette Square area.

2. Addition: “spending category “

The added words more properly identify the funding as belonging to the category defined by the referenced Act.

3. Deletion: “defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act”

A new General Provision, Sec. 323, is proposed, applying this legal reference to all funding for “conservation spending category activities,” thus making it unnecessary to quote the reference in each Appropriation.

4. Addition: “Note. --- A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.”

Addition of this note is needed to explain the source of figures used for Fiscal Year 2003, in the absence of an enacted appropriation.

Appropriation Language Citations

1. For construction, improvements, repair or replacement of physical facilities . . and of which \$15,000,000 is for redevelopment of Pennsylvania Avenue adjacent to Lafayette Park

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

¹Heading of appropriation reflects current heading and not the heading proposed in the Budget Appendix.

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

2. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

16 U.S.C. 410r-8, Section 104, the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229). Section 104 authorizes certain modifications at Everglades National Park.

16 U.S.C. 410r-6(f), Section 102(f), the Everglades National Park Protection and Expansion Act of 1989. Section 102(f) authorizes appropriations for this purpose.

3. \$_____, to remain available until expended,

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. of which \$_____ is for conservation spending category activities

2 U.S.C. 9000(c)(4), The Balanced Budget and Emergency Deficit Control Act of 1985, as amended by Title VIII of Public Law 106-291, Department of Interior appropriations for FY2001, lists appropriations within which funding to preserve natural resources, provide for recreation, and related purposes constitutes 'conservation spending category'